

## **REMARKS**

This responds to the Office Action mailed on June 22, 2009.

Claims 1, 27, 32 and 127 are amended. Claims 1-7, 10-38, 41-148, and 150-152 are pending in this application.

### **The 35 U.S.C. § 103 Rejections**

Claims 1-3, 13 and 150-152 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Padua et al. (U.S. Publication No. 2003/0204206; hereinafter “Padua”).

Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Padua and/or under 35 U.S.C. § 103(a) as being unpatentable over Padua as applied to Claim 1 above, and further in view of Donahuc et al. (U.S. Publication No. 2002/0155101; hereinafter “Donahuc”).

### ***Claim 1***

Claim 1 has been amended to better describe the recited subject matter. Support for the amendment is found, for example, at page 20, lines 1-3, page 30, lines 23-25, and page 31, lines 25-27 and originally-filed claim 9 of the present application.

Applicant respectfully traverses the rejection as applied to claim 1 and submits that Padua, alone or in combination with the reasoning of the Office Action, does not provide the subject matter. For example, Applicant is unable to find in Padua, among other things, an implantable gene regulatory signal delivery device, an implantable cardiac rhythm management (CRM) device including, and one or more implantable leads providing for electrical connections between the implantable gene regulatory signal delivery device and the implantable CRM device, as recited in claim 1. Applicant is also unable to find a reason in the Office Action that addresses this deficiency of Padua.

The Office Action asserts that “[t]he system 22 of Padua further comprises a gene regulatory signal delivery device (output circuit 12 or [sic] Padua Fig. 11 or output pulse generator 74 of Padua Fig. 12)”. However, Padua’s “output circuit 12” or “output pulse generator 74” appears to be part of an implantable device. Thus, it is believed that Padua does

not provide the one or more implantable leads providing for electrical connections between the implantable gene regulatory signal delivery device and the implantable CRM device, as recited in claim 1.

Applicant respectfully requests reconsideration and allowance of claim 1.

*Claims 2-3, 13 and 150-152*

Applicant respectfully traverses the rejection. Claims 2-3, 13 and 150-152 are dependent on claim 1, which is believed to be allowable for at least the reasons set forth above. Therefore, the discussion above for claim 1 is incorporated herein to support the patentability of claims 2-3, 13 and 150-152.

Applicant respectfully requests reconsideration and allowance of claims 2-3, 13 and 150-152.

*Claims 10-12*

Applicant respectfully traverses the rejection. Claims 10-12 are dependent on claim 1, which is believed to be allowable for at least the reasons set forth above. The addition of Donahue does not appear to remedy the deficiency of Padua as discussed above for claim 1. Therefore, the discussion above for claim 1 is incorporated herein to support the patentability of claims 10-12.

Applicant respectfully requests reconsideration and allowance of claims 10-12.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of October, 2009.

Kate Gannon

/ Kate Gannon /

Name

Signature